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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,294	04/12/2004	Allen G. Farmer	STS130	2599
34356	7590	10/25/2006	EXAMINER	
ASHKAN NAJAFI, P.A. 6817 SOUTHPOINT PARKWAY SUITE 2301 JACKSONVILLE, FL 32216			SHAPIRO, JEFFERY A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,294

Applicant(s)

FARMER, ALLEN G.

Examiner

Jeffrey A. Shapiro

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/12/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim, line 3 and 4, it is unclear where the aperture is formed in relation to the other openings in the tube, therefore causing ambiguity as to which opening is being referred to.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 4 recites the limitation "housing" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez (FR 2611952) in view of Threadgill, Jr., (US 6,439,424 B1) and further in view of Helbawi (US 4,953,682).

As described in **Claims 1, 2, 5 and 8**, Lopez discloses a tube (1, 2) with curved lower portion (6) and coin mechanism (4) that allows dispensing of a ball upon payment of the correct change.

As described in **Claims 3, 5 and 8**, Lopez does not expressly disclose, but Helbawi discloses a tube (26) with sensors (I0.7, I0.1, I2.1 and I0.2, for example) that detect the ball at various points within the tube, for the purpose of determining the presence of a returnable bottle.

Further regarding **Claims 1, 5 and 8**, Helbawi further discloses an automated coin dispensing system (136) connected to said tube near a top opening of the tube for dispensing coins upon deposit of an item, such as a bottle, in the tube. Note that although Helbawi discloses deposit of bottles, it would have been obvious for balls to be handled in the same tubes.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have caused Lopez's coin mechanism to dispense coins to a customer based on detection of a ball being placed in the tube.

The suggestion/motivation would have been to promote return of the balls that are dispensed. See Helbawi, col. 1, lines 12-19 and 29-30, which describes dispensing an amount of change in return for depositing an aluminum can.

Although Lopez does not expressly disclose plural flexible mounting brackets described in **Claims 1, 5, 6 and 8**, it is apparent that said tube is mounted to the housing, shown in figure 1, in a functionally equivalent manner. Nonetheless, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have used flexible brackets (70 and 90) as taught by Threadgill to secure Lopez's tubes.

Further regarding **Claims 3, 6 and 8**, note that in light of Helbawi's teaching at col. 5, line 64-col. 6, line 5, of using various solenoids controlled by computer-based controller to operate the entire item return system, it would have been obvious to use solenoids powered by a power supply to control Lopez's coin acceptor/dispenser, as well as other portions of Lopez's system.

Regarding **Claims 4, 7 and 9**, note that it would have been obvious to place an access door at the top of the housing of the coin acceptor/dispenser because it is necessary to obtain access to the internal coin holding area to remove or replenish coins as well as to effectuate repairs and maintenance.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Grim '244, Hieb '776, Sorensen '901 and '757, Rodriquez '251, Young '330, Gentiluomo '067, Adolf '578, Kilgore '316, Crum '433, Hamer '196 and Deininger are cited as examples of dispensers.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is

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(571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS

September 29, 2006


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
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